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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,163	08/23/2001	Michael Meiresonne	MEI03 P-300	1287
277	7590	01/26/2005	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			NGUYEN, MERILYN P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N

09/938,163

Applicant(s)

MEIRESONNE, MICHAEL

Examiner

Merilyn P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

1. In response to the communication dated 07/14/04, claims 1-54 are pending in this office action.

Acknowledges

2. Receipt is acknowledged of the following items from the Applicant:
 - The applicant's amendments have been considered and made of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-17, 24-34, 36-46, and 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151).

Regarding claims 1 and 11, Rebane discloses a method to identify a supplier of goods or services over the Internet comprising:

providing a home page/index page ("infomediary website") for a user having at least one link to a directory Web site for a class ("category") of goods or services having a directory Web site domain (Bizrate) at least partially descriptive of the class of goods or services (Figs 16, 18, 20) wherein said directory Web site contains a supplier link to a corresponding supplier's Web site (See Fig. 18, and col. 32, lines 13-31), wherein the home page and the directory Web sites

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are configured to allow a user to access the homepage (See col. 32, lines 13-31); select a user determined directory Web site based at least in part on the directory Web site domain name and activate the user determined directory Web site link corresponding to the directory Web site selected by the user link to the selected directory Web site and select the supplier link for a supplier of goods or services (See page 32, line 57 to page 33, line 67).

Rebane further discloses activate the first user determined supplier link to the corresponding user selected first supplier link, thereby launching a first supplier internet browser window and displaying the supplier Web site in the first supplier internet browser window (See Fig. 20 and corresponding text) as per claim 11.

Rebane does not explicitly teach a rollover window wherein the rollover window conveys information about a supplier corresponding to the supplier link when the user's cursor is placed substantially over the supplier link. On the other hand, Fenton teach a rollover window (See [0109], Fenton et al.). Because Fenton system use to index websites' content, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a rollover window into the website of Rebane as suggested by Fenton. The motivation would have been providing useful information about suppliers to user so that user can decide whether to make further move.

Regarding claims 2 and 13, Rebane/Fenton discloses the directory Web site further comprises a first paragraph of text comprising a description of the class of goods or services ("Home>Computer Harward&Software>PDAs", Fig. 18, Rebane).

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Regarding claims 3 and 14, Rebane/Fenton discloses wherein the directory Web site further comprises a descriptive title portion substantially corresponding to the description of the class of goods or services described by the directory Web site domain name (Top BizRater PDA, Fig. 18, Rebane).

Regarding claims 4 and 15, Rebane/Fenton discloses wherein the directory Web site further comprises a link to the home page (home, Fig. 20).

Regarding claims 5, 6, 16, and 17, Rebane/Fenton discloses the directory Web site further comprises a supplier descriptive portion corresponding to the supplier, wherein the supplier descriptive portion is located substantially adjacent the corresponding supplier link (See Fig. 18, "3% rebate" is a supplier descriptive portion of Outpost.com).

Regarding claims 8-10, Rebane/Fenton discloses wherein the rollover window conveys information visually/audibly to the user and utilizes a script (See [0039], [0090], Fenton et al.).

Regarding claim 12, Rebane/Fenton discloses selecting a subsequent user determined supplier link for a subsequent supplier of goods or services; and activating the subsequent user determined supplier link to the corresponding user selected subsequent supplier Web site thereby launching a second supplier Internet browser window and displaying the subsequent supplier Web site in the second supplier internet browser window (See Fig. 20, Rebane).

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Regarding claims 24-25, 36-37 and 48, these claims contain all the claimed subject matter as set forth above in claims 1, 3, and 6, thus rejected as the same.

Regarding claims 26-27, and 38-39, Rebane/Fenton discloses wherein the directory web site comprises a first set of supplier links and a second set of supplier links (See Fig. 20, Rebane).

Regarding claims 28-29, and 40-41, Rebane/Fenton discloses wherein the first rollover window is substantially visible when the first set of supplier links is substantially visible (See [0090], Fenton et al.).

Regarding claims 30, 33-34, 42, and 45-46, Rebane/Fenton discloses wherein the directory Web site comprises a second rollover window (See [0090], [0109], Fenton et al.).

Regarding claims 31-32 and 43-44, Rebane/Fenton discloses a plurality of directory Web sites (See Fig. 18, Rebane), wherein each directory Web site contains at least one link to at least other directory Web site (See Fig. 18 and 20, Rebane).

Regarding claims 49, 51, and 53, these claims contain all the claimed subject matter as set forth above in claims 24, and further discloses access a convention search engine; input a search strategy into the conventional search engine to search for a supplier of a user determined good or service; view ranked result links as analyzed by the conventional search engine's algorithm and displayed by the conventional search engine; and activate a ranked result link corresponding to the directory web site corresponding to the user inputted search strategy thereby allowing the user to access the directory web site corresponding to the user inputted search strategy. Please see col. 31, line 62 to col. 32, line 12, Rebane.

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Regarding claims 50, 52, and 54, Rebane/Fenton discloses wherein the directory Web site further comprises a related directory Web site link (See Figs. 18 and 20, Rebane et al.).

4. Claims 7, 18-23, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151), and further in view of Perkes (US 2002/0194601).

Regarding claims 7, 18, 35, and 47, Rebane/Fenton discloses all the claimed subject matter as set forth above, however Rebane/Fenton is silent as to wherein the directory Web site comprises at least one substantially descriptive metatag. On the other hand, Perkes teach descriptive metatag (See [0042], Perkes et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include descriptive metatag into the directory Web site of Rebane/Fenton. The motivation would have been to cover all possible related searches and increase the ranking archived as suggested by Perkes.

Regarding claim 22, this claim contains all the claimed subject matter as set forth above in claims 1, 3, 6, and 7, thus rejected as the same.

Regarding claims 19-21, this claim contains all the claimed subject matter as set forth above in claims 22 and 49, thus rejected as the same.

Regarding claim 23, Rebane/Fenton/Perkes discloses wherein the rollover window utilizes a script (See [0039], [0090], Fenton et al.).

Response to Arguments

5. Applicant's arguments filed on 07/14/2004 about the claim rejection of the last Office Action have been fully considered, but they are not persuasive.

Applicant argues that neither Rebane nor Fenton nor Perkes, or the combination thereof, teach or suggest a directory website that comprises a directory website domain name that is at least partially descriptive of a class of goods or services. The examiner respectfully disagrees. The "bizrate" domain name (Figure 18, Rebane et al.) is at least partially descriptive of services. The service is described herein is store ratings.

Applicant argues that neither Rebane nor Fenton nor Perkes, or the combination thereof, teach or suggest "a directory website having a supplier descriptive portion located adjacent to a corresponding supplier link. The examiner respectfully disagrees. Fig. 18 has a supplier descriptive portion located adjacent to a corresponding supplier link; for example, "3% rebate" is a supplier descriptive portion corresponds to outpost.com.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN

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January 21, 2005


WAYNE AMSBURY
PRIMARY PATENT EXAMINER